RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 2179
PATENT
Attorney Docket No. 09700.0061-00000
SAP Reference No. 2003P00321 US

REMARKS

In the Final Office Action[1], the Examiner rejected claims 1, 2, 4, 5, 7, 9, 11,

13-15, 17-19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent

No. 7,082,454 to Gheith ("*Gheith*") in view of U.S. Patent No. 6,584,498 to Nguyen

("*Nguyen*"); and rejected claims 12 and 22 under 35 U.S.C. § 103(a) as being

unpatentable over *Gheith* in view of *Nguyen* and further in view of U.S. Patent No.

6,055,569 to O'Brien et al. ("*O'Brien*").

By this response, Applicants propose to amend claims 1, 14, and 18. Support for

these Amendments is given in the specification at, for example, page 5, lines 23-28 and

page 6, lines 1-2.

I.   The Rejection of Claims 1, 2, 4, 5, 7, 9, 11, 13-15, 17-19, and 21 under

35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1, 2, 4, 5, 7, 9, 11, 13-15,

17-19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Gheith* in view of

Nguyen. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation

of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections

on obviousness cannot be sustained with mere conclusory statements." M.P.E.P.

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[1]The Final Office Action contains a number of statements reflecting characterizations of the related art, case law, and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

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§ 2142, 8th Ed., Rev. 7 (July 2008)(internal citation and inner quotation omitted). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). In rejecting a claim, "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Claim 1, for example, recites a computer program product comprising instructions to "generate, while the user interface is in the current user interface state, properties of future user interface states, the future user interface states corresponding to the selected future user interaction events." *Gheith* fails to teach or suggest at least this element of claim 1.

Gheith discloses "[a] dynamic content caching framework that encodes dynamically created documents with a filename that is derived from the state information describing the contents of the document . . . ." (*Gheith*, abstract). *Gheith* discloses encoding state information and a signature representing state information into a URL. (*Gheith*, col. 4, lines 55-66 and Figure 2). "URLs [representing subsequent states] are embedded in the presentation information that constitutes [a] web page." (*Gheith*, col. 4, lines 66-67 and col. 5, lines 1-2). When the web page is displayed, a "[l]ook-ahead manager can use this information to determine if in fact files including the

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presentation information for the subsequent states exist, and if not, it can initiate the content production for those subsequent states . . . ." (*Gheith*, col. 5, lines 51-63). The "look-ahead manager populates the cache with some or all of the files necessary to display the next state selected by a user." (*Gheith*, col. 5, lines 64-66).

However, "initiat[ing] the content production" and "populat[ing] the cache," as taught by *Gheith*, do not constitute "generat[ing], while the user interface is in the current user interface state, properties of future user interface states," as recited in claim 1. Rather, *Gheith's* disclosure of subsequent state information being "embedded in the presentation information that constitutes [a] web page" indicates that the properties of subsequent states have already been generated prior to displaying the web page. Therefore, *Gheith* does not teach or suggest "generat[ing], <u>while the user interface is in the current user interface state</u>, properties of future user interface states, the future user interface states corresponding to the selected future user interaction events," as recited in claim 1 (emphasis added).

Nguyen discloses "a method and system for dynamic preloading of web pages." (*Nguyen*, abstract). "When a page is loaded for presentation to the operator, the page client identifies that page as the primary page and identifies one or more links embedded in the primary page. The page client selects one or more of the secondary pages pointed to by those links for preloading . . . ." (*Nguyen*, col. 4, lines 26-32). "The page client preloads secondary pages by (1) transmitting a request to the page server to transmit those secondary pages, (2) receiving those secondary pages from the page

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server, and (3) recording those secondary pages in client storage for later presentation upon demand." (*Nguyen*, col. 4, lines 32-37). "The page client attempts to adaptively determine the operator's preloading preferences and their relative priorities from the operator's history of selecting primary pages for presentation." (*Nguyen*, col. 7, lines 58-61).

The Final Office Action relies upon *Nguyen's* disclosure of "determin[ing] the operator's preloading preferences and their relative priorities from the operator's history of selecting primary pages for presentation" as a teaching of "estimat[ing] a likelihood for the future user interaction events to occur based on a history of previous user inputs to the user interface," as recited in claim 1. Even assuming the Final Office Action's characterization of *Nguyen* is correct, which Applicants do not concede, *Nguyen* fails to cure the deficiencies of *Gheith*, discussed above. "[P]reloading of web pages," as taught by *Nguyen*, does not constitute "generat[ing] . . . properties of future user interface states," as recited in claim 1. Therefore, *Nguyen*, also, fails to teach or suggest "generat[ing], while the user interface is in the current user interface state, properties of future user interface states, the future user interface states corresponding to the selected future user interaction events," as recited in claim 1 (emphasis added).

In view of the above, the Final Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. For at least this reason, no *prima facie* case of obviousness has been established. The rejection of claim 1, and dependent claims 2,

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4, 5, 7, 9, 11, and 13, under 35 U.S.C. § 103(a) as being obvious from *Gheith* in view of *Nguyen* is thus improper and should be withdrawn.

Independent claims 14 and 18, though of a different scope from claim 1, recite elements similar to those set above for claim 1. Claims 14 and 18 are therefore allowable for at least the reasons presented above with respect to claim 1. Claims 15, 17, 19, and 21 are also allowable at least due to their dependence from claims 14 and 18.

II. The Rejection of Claims 12 and 22 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 12 and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Gheith* in view of *Nguyen* and further in view of *O'Brien*. A *prima facie* case of obviousness has not been established with respect to these claims.

Claims 12 and 22 depend from claim 1, and therefore include all of the subject matter recited in base claim 1. As discussed above with respect to claim 1, *Gheith and Nguyen* fail to teach or suggest at least "generat[ing], while the user interface is in the current user interface state, properties of future user interface states, the future user interface states corresponding to the selected future user interaction events," as recited in independent claim 1 and included in dependent claims 12 and 22.

O'Brien fails to cure the deficiencies of *Gheith* and *Nguyen*. *O'Brien* discloses "[a] smart browser working in conjunction with a HTTP server that selectively downloads WWW pages into the browser's memory cache." (*O'Brien*, abstract). "[T]he browser

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[identifies] that the links on the page being viewed have probability weights assigned." (*O'Brien*, col. 3, lines 31-33). "If the weights meet [a] predetermined criterion then the browser software downloads the information that the link refers to." (*O'Brien*, col. 3, lines 35-37). *O'Brien* also discloses "adjust[ing] the browser sensitivity to the various probability weights given to the links." (*O'Brien*, col. 4, lines 20-22). However, "download[ing] WWW pages," as taught by *O'Brien*, does not constitute "generat[ing] . . . properties of future user interface states," as recited in claim 1 and included in claims 12 and 22. Therefore, *O'Brien*, also, fails to teach or suggest "generat[ing], while the user interface is in the current user interface state, properties of future user interface states, the future user interface states corresponding to the selected future user interaction events," as recited in claim 1 and included in claims 12 and 22 (emphasis added).

In view of the above, the Final Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. For at least this reason, no *prima facie* case of obviousness has been established. The rejection of dependent claims 12 and 22 under 35 U.S.C. § 103(a) as being obvious from *Gheith* in view of *Nguyen* and further in view of *O'Brien* is thus improper and should be withdrawn, at least due to their dependence from the allowable independent claim 1.

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III.   Conclusion

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the claims in condition for allowance. This Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is allowable over the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

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Please grant any extensions of time required to enter this response and charge

any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: August 18, 2010   By:

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